

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
AT NASHVILLE

EMBRAER AIRCRAFT MAINTENANCE)
SERVICES, INC.,)

Plaintiff,)

v.)

AEROCENTURY CORP.,)

Defendant.)

Docket No. 3:13-cv-0059

AEROCENTURY'S MOTION FOR LEAVE TO FILE
A SUR-REPLY IN OPPOSITION TO PLAINTIFF'S
MOTION FOR SUMMARY JUDGMENT TO ADDRESS NEW
ARGUMENTS AND EVIDENCE IN PLAINTIFF'S REPLY BRIEF

Defendant AeroCentury Corp., ("AeroCentury") respectfully moves this Court for leave to file the attached Sur-reply for the purpose of responding to new arguments included in Embraer's Reply Brief in further support of its Motion for Summary Judgment. These new arguments are significant because, for the first time, after the discovery deadline had passed, after Embraer's corporate representative had been deposed, and after AeroCentury's Response in Opposition Brief had been filed, Embraer has now filed directly contradictory testimony from its corporate representative stating a third date on which the work on the Aircraft was completed, and further claims that AeroCentury has waived the fact questions of:

- When the work on the Aircraft was completed?
- What is the value of the lien?